

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MUSTAFA YOUSIF, et al.,

Plaintiff(s),

VS.

THE VENETIAN CASINO RESORT LLC, et al.,

Defendant(s).

Case No. 2:16-cv-02941-RFB-NJK

ORDER

On March 20, 2017, the parties submitted a stipulated proposed discovery plan and scheduling order, which indicated that they disagreed on certain aspects of the production of electronically stored information (“ESI”) and on how discovery should be conducted in this action. Docket No. 25. On March 21, 2017, the Court issued an order directing Plaintiffs to file their motions for conditional collective action certification and class certification no later than April 28, 2017. Docket No. 26. The Court further ordered the parties to file supplemental briefing in support of their respective positions regarding ESI production and proposed discovery deadlines. *Id.*

On March 23, 2017, Plaintiffs filed a motion to reconsider the portion of the Court’s discovery order regarding the Fed. R. Civ. P. 23 class certification motion deadline. Docket No. 27. Defendants filed a limited opposition, and Plaintiffs filed a reply. Docket Nos. 34, 38. A subsequently filed amended stipulated proposed discovery plan and scheduling order reveals that the parties now disagree only about the proper timing for Plaintiffs’ Fed. R. Civ. P. 23 class certification motion. Docket No. 40.

1 Plaintiffs submit that precertification discovery is necessary and that, therefore, the Court
2 should extend the deadline for them to file their Fed. R. Civ. P. 23 class certification motion until
3 30 days after the close of discovery. Docket No. 27 at 1-7. In response, Defendants submit that they
4 do not oppose precertification discovery, but that it is unnecessary for the Court to grant Plaintiffs
5 until 30 days after the close of discovery to file their Fed. R. Civ. P. 23 class certification motion.
6 Docket No. 34 at 5-7.¹ Plaintiffs reply that the Court should grant their motion for reconsideration
7 because they need certain discovery in order to adequately prepare their class certification motion.
8 Docket No. 38 at 2-3. Thus, it appears that the parties agree that Plaintiffs may need more time to
9 submit their class certification motion, so that they may obtain at least some relevant discovery
10 before filing it.

11 Accordingly, Plaintiffs' motion to reconsider, Docket No. 27, is hereby **GRANTED** in part
12 and **DENIED** in part. The Court hereby **EXTENDS** the deadline for Plaintiffs to file their Fed. R.
13 Civ. P. 23 class certification motion to July 27, 2017.

14 IT IS SO ORDERED.

15 DATED: April 21, 2017.

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18 NANCY J. KOPPE
19 United States Magistrate Judge
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26 ¹ Defendants also submit that Plaintiffs improperly failed to meet and confer with them
27 before filing their motion to reconsider. *Id.* at 4-5. The Court exercises its discretion to rule on
28 Plaintiffs' motion.